

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

LAWRENCE HOLDER,

Plaintiff

v.

C-1-09-625

JAMES POWELL, JR.,

Defendant

**ORDER**

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 39) to which neither party has objected.

Upon a *de novo* review of the record, the Court finds that the Judge has accurately set forth the applicable law and has properly applied it to the particular facts of this case. Accordingly, in the absence of any objection by plaintiff, this Court accepts the Report as uncontroverted.

The Report and Recommendation of the United States Magistrate Judge (doc. no. 39) is hereby **ADOPTED AND INCORPORATED HEREIN BY REFERENCE**. Defendant's Motion for Summary Judgment (doc. no. 29) is **GRANTED**.

The Court **CERTIFIES** pursuant to 28 U.S.C. §1915(a)(3) that an appeal of any Court Order adopting this Report and Recommendation would not be taken in good faith. See *McGore v. Wrigglesworth*, 114 F.3d 601 (6<sup>th</sup> Cir. 1997).

This case is **DISMISSED AND TERMINATED** on the docket of this Court.

**IT IS SO ORDERED.**

s/Herman J. Weber  
Herman J. Weber, Senior Judge  
United States District Court